

REMARKS

Applicants respectfully request reconsideration and allowance of claims 1-14, 31, 32 and 34 that are pending in the above-identified patent application. Applicants have amended claims 1-14, 31 and 34. Claims 15-30, 33, and 35 stand withdrawn.

Applicants have respectfully requested that the Examiner review and enter the attached REPLACEMENT SHEETS, containing FIGS. 1-17, and the attached NEW SHEETS, containing FIGS. 18a-19b. The Replacement Sheets are formal versions of FIGS. 1-17 as filed, while FIGS. 18a-19b are newly presented and correspond to the figures listed at page 29 of the specification as filed (and amended herein) as well as the figures discussed at pages 35-36 of the specification as originally filed. No new matter is added by way of the Replacement Sheets or the New Sheets.

Applicants have requested that the Examiner accept the attached substitute specification under 37 C.F.R. § 1.125(b) and M.P.E.P. § 608.01(q) in lieu of a listing of changes to be made to the original application.

No new matter has been added by way of the amendments herein.

In numbered parts 5-9 of the Office Action, the Examiner objected to the drawing on formal grounds. In response, Applicants have attached REPLACEMENT SHEETS, containing FIGS. 1-17, and NEW SHEETS, containing FIGS. 18a-19b, which are believed to address each of the Examiner's objections. Thus, Applicants respectfully request that the drawing objections be withdrawn.

In numbered parts 10-12 of the Office Action, the Examiner objected to the specification. In response, Applicants have requested that the Examiner accept the attached substitute specification, which is believed to address each of the Examiner's objections. It is noted that the use of parentheses (now on page 24 of the substitute specification – clean) is believed to be correct as there are a matching number of "open parentheses" and "closed parentheses" in the sentence. Thus, Applicants respectfully request that the specification objections be withdrawn.

In numbered parts 13-25 of the Office Action, the Examiner objected to a number of claims and rejected a number of claims under 35 U.S.C. § 112 as being indefinite. In response, Applicants have amended the claims to place them in better form for U.S. practice. It is believed that these amendments address each of the Examiner's objections and rejections. Thus, Applicants respectfully request that the claim objections and rejections be withdrawn.

In numbered parts 26-37 of the Office Action, the Examiner rejected claims 1-4, 9, 13, 14, 31, 32, and 34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,595,205 ("the '205 patent"). In view of the amendments herein, Applicants respectfully traverse the Examiner's rejection.

Independent claim 1, recites in part: "a container cartridge having a non-pressurized cylinder, at rest, containing a single-dose of the drug, a piston communicating with one end of the cylinder, and an outlet end opposite the inlet end having a dispensing facility and means for feeding the drug thereto; an elastic element for the storage of a predetermined quantity of energy; a mobile element to which the predetermined quantity of energy can be fed and which is coupled to the piston such that the energy can move the piston and expose the single-dose of the drug to a predetermined increase in pressure within the cylinder. . ."

The '205 patent neither discloses nor suggests the above-quoted language of claim 1. Indeed, the '205 patent discloses the opposite: a pressurized container, which: (i) releases the drug via opening a valve, (ii) does not achieve the pressure from an elastic element, and (iii) is not a single-dose device. At least for these reasons, Applicants submit that the '205 patent fails to disclose or suggest the above-quoted features of independent claim 1 (and thus the subject dependent claims). Accordingly, Applicants respectfully request that the § 102(e) claim rejections be withdrawn.

In view of the foregoing, Applicants submit that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Dated: June 25, 2007

Respectfully submitted,

By s/Matthew B. Dernier/
Matthew B. Dernier
Registration No.: 40,989
KAPLAN GILMAN GIBSON & DERNIER LLP
900 Route 9 North, Suite 104
Woodbridge, New Jersey 07095
(732) 634-7634
Attorneys for Applicant